

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**Agenda
April 28, 2015
1:30 pm**

1. APPROVAL OF THE MARCH 24, 2015 COMMISSION MEETING MINUTES

2. RETAIL

A. NEW BUSINESS

**1. RIVER ROAD LIQUORS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Rahim J. Omer, Sole Proprietor

Current: Kimberly E. Lindsey (sole proprietor), d/b/a River Road Liquors

Proposed: Rahim J. Omer (sole proprietor), d/b/a River Road Liquors

Before the Commission is a request for a transfer of ownership in the retail business located at 7070 Charlotte Pike, Nashville, Tennessee 37209. The applicant is investing \$100,000 to purchase the business from Ms. Lindsey, as verified by TABC staff.¹ Landlord, Marketplace 2009 LP has agreed to allow the current owner to assign her lease to the applicant. The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. License Fee
- b. Certificate of Occupancy
- c. TABC Inspection
- d. Acknowledgement of TABC Rules & Regulations

**2. MERCHANTS WINE & SPIRITS
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Rajab, LLC

Member(s): Salima Mohammad, 100%

Current Location: 107 Cedar Lane, Knoxville, Tennessee

Proposed Location: 112 Cedar Lane, Knoxville, Tennessee

Current D/b/a: Merchants Liquor Store

Proposed D/b/a: Merchants Wine & Spirits

Before the Commission are requests for a change of d/b/a and a transfer of location. The applicant will lease the premises of the new location from SAADIK, Inc., for an initial five year term, and will pay \$4,000 per month in rent. The TABC staff recommends conditional approval of both requests, pending receipt of the following item:

¹ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

a. Certificate of Occupancy

**3. 31-W LIQUOR
GOODLETTSVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: 31-W Liquor, Inc.

Shareholder(s):	William D. Smith, President	50 %
	Matthew Smith, V.P.	50 %
	Kimberly Smith, Secretary	0 %

Before the Commission is a request for an expansion of the premises of the retail store located at 435 North Main Street, Goodlettsville, Tennessee. The applicant is leasing the premises for \$1,700 per month, from landlord, James M. Smith Jr., and David A. Smith, Trustees for the Alice M. Smith Bypass Trust and the Alice M. Smith Tennessee Bypass Trust, and The Edgar E. Harlin, Jr. Estate. The TABC staff recommends conditional approval of this request pending receipt of the following items:

- a. Certificate of Occupancy (after build-out)
- b. TABC Final Inspection (after build-out)

**4. NORTH END LIQUOR
LAWRENCBURG, TENNESSEE**

Applicant: Shree S.I.S. Inc.

Shareholder(s): Dasharathbai Patel 100 %

Current: Ricky L. Gongwer Sole Proprietor
D/b/a North End Liquor Store

Before the Commission is a request for a transfer of ownership in the retail store located at 2455 Highway 43 North. The applicant is purchasing the business assets and inventory from the current owner for \$310,000.² As verified by TABC staff, the applicant has a bank loan in the amount of \$620,000 to purchase a percentage interest in the commercial real estate and to purchase full interest of the retail store and inventory, etc.... The applicant will lease the premises from Rajeshkumar R. Patel for \$4,500 per month.³ The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. Executed copy of lease
- b. TABC Agent Inspection Report
- c. Acknowledgement of TABC Rules & Regulations
- d. License Fee

**5. NEWPORT PACKAGE STORE
NEWPORT, TENNESSEE (COCKE COUNTY)**

Applicant: Bartley Scott Thorton, Sole Proprietor

² In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

³ The initial term of the lease is 60 months.

Current: Julia Kyker (sole proprietor), d/b/a Newport Package Store

Proposed: Bartley Scott Thomas, d/b/a Newport Package Store
203 Cosby Highway, Newport, Tennessee 37821

Before the Commission is a request for the applicant to purchase the business assets of the current owner, for a purchase price of \$350,000.⁴ The buyer will pay \$49,000 to seller at closing and \$300,000 of the purchase price will be financed by the seller⁵ (\$1,000.00 in earnest money was previously paid). The applicant will lease the premises from Lina Robinson⁶ for approximately \$1,700 per month, for an initial term of 5 years. The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. TABC Agent Report
- b. Loan in finalization/confirmation
- c. TN sales tax #
- d. License Fee

6. QUENCH WINE AND SPIRITS MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: Seven Oceans Inc.
Shareholder(s): Hamida Mandani, President 100 %

Before the Commission is a request for licensing of a retail store to be located at 99 South Second in Memphis, Tennessee. Ms. Mandani is investing \$25,000 of personal funds into the business, as verified by TABC staff. The applicant will lease the premises from Gabrion Hotels, LLC for an initial term of 63 months and will pay approximately \$3,000 per month in rent. The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. License Fee
- b. TABC Final Inspection
- c. Acknowledgment of TABC Rules & Regulations

7. 1 STOP PACKAGE SODDY DAISY, TENNESSEE (HAMILTON COUNTY)

Applicant: Pragaji, LLC
Member(s): Rameshkumar Kantilal Patel, President 100 %
Jigisha Patel, Secretary 0 %

Before the Commission is a request for licensing of a retail store to be located at 8425 Dayton Pike, Soddy Daisy, Tennessee 37379. Mr. Patel is investing \$150,000 of personal funds into the business, as verified by TABC staff. The applicant will lease the premises from Krisna, LLC for an initial 5 year term, and will pay \$4,000 per month in rent. The TABC staff recommends conditional approval of this request, pending receipt of the following:

⁴ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

⁵ The promissory note (\$300,000) will be paid over 15 years, (at 4% interest), in equal monthly payments of approximately \$2,200. The sale agreement included a \$1,000 earnest money payment.

⁶ Lina Robinson is the Executrix of the Estate of Arlene H. Robinson

- a. Application-Question 8 needs to be clarified
- b. Questionnaire for Jigisha Patel and Declaration of Citizenship
- c. Personal Financial Statement signed by Jigisha Patel, or Jigisha Patel's personal financials submitted.

**8. BORO LIQUOR STORE
MURFREESBORO, TENNESSEE (RUTHERFORD COUNTY)**

Applicant:	Shree Sai Baba, Inc.		
Shareholder(s):	Sureshkumar Gordhandbhai Patel, President	25 %	
	Arkesh S. Patel, Vice President	25 %	
	Prakash Prabhudas Patel, President	50 %	

Current: Boro Liquors Inc. (Rubina N. Jaffer, 100%), d/b/a Boro Liquors

Before the Commission is a request for a transfer of ownership in the retail business located at 3210 B Memorial Blvd., Murfreesboro, Tennessee. The applicant will purchase the business for \$300,000 from the current owner, Boro Liquors Inc.⁷ Sureshkumar Patel and Arkesh Patel are each investing \$75,000 of personal funds into the business, and Arvindbhai Patel (father-in-law to Prakash Patel) is loaning Prakash Patel \$150,000 to invest in the business, as verified by TABC staff. The applicant will lease the premises from Nazim and Rubina Jaffer for an initial term of 5 years and will pay approximately \$5,500 per month in rent. The TABC staff recommends conditional approval of this request pending receipt of the following items:

- a. TABC Inspection Report
- b. Acknowledgement of TABC Rules & Regulations
- c. License Fee
- d. ~~Additional details of sale (i.e. closing date, owner financing, etc...)~~ -received 4/21/15

**9. GOOD TIMES WINE SPIRITS & BREW
CROSSVILLE, TENNESSEE (CUMBERLAND COUNTY)**

Applicant: Good Times Wine Spirits & Brew LLC

Member(s):	Joel Bruce Wyatt	50 %
	Carmen Wyatt	50 %

Before the Commission is a request for licensing of a retail business to be located at 1369 Interstate Drive, Crossville, Tennessee 38555. Mr. and Mrs. Wyatt currently own D&D Liquor Sales (Permit #3939; 32 Crossings Way, Crossville, Tennessee) and will close that store once the new retail location opens. Mr. and Mrs. Wyatt own the real property where the new store will be located and will lease the premises to the LLC for \$4,000 per month. The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. TABC Inspection Report
- b. Acknowledgement of TABC Rules & Regulations
- c. License Fee

⁷ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

**10. F & G LIQUOR
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Weeks Liquor, LLC

Member(s):	Ronald D. Weeks Jr., President	50 %
	Amy L. Weeks, Vice President	50 %

Current: Minga Liquors, Inc. (Cory Minga, 50%; Beth Minga, 0%)
D/b/a F and G Liquor

Proposed: Weeks Liquor, LLC, d/b/a F & G Liquor

Before the Commission is a request for a transfer of ownership in the retail business located at 2636 Southern Ave., Memphis, Tennessee, 38111. As verified by TABC staff, the Weeks' are investing \$60,000 of personal funds into the business. The applicant LLC will purchase the assets of the current owner for \$35,000.⁸ Mario and Joseph Bertanga will lease the premises to the applicant for \$1,300 per month.⁹ The TABC staff recommends conditional approval of this request, pending receipt of the following items:

- a. TAB Agent Inspection Report
- b. Acknowledgement of TABC Rules & Regulations
- c. License Fee

**11. FUZZY DUCK LIQUORS
COLUMBIA, TENNESSEE (MAURY COUNTY)**

Applicant: Swotco, LLC

Member(s):	Jessica T. Sweeney	50 %
	Marisa Totty	50 %

Before the Commission is a request for a licensing of a retail business to be located at 203 W. 6th St., Columbia, Tennessee 38401. The license for the previous retail business at this location, Fuzzy Duck Enterprises Inc. (Sabrina Parker, 100%), d/b/a Fuzzy Duck Liquors, was voided on December 26, 2014 due to the owner having acquired significant financial debts. Ms. Parker originally purchased the business from John Totty (owner of the real property and father to Ms. Sweeney & Ms. Totty); however, Ms. Parker later defaulted on the loans and agreed to relinquish her claims to the business. Mr. Totty assigned his interest in Fuzzy Duck liquors to his daughters. The US Bankruptcy Court for the Middle District of Tennessee ordered the alcohol inventory to be retrieved by the wholesaler and any proceeds remitted to creditor, J. Totty.

Jessica Sweeney and Marisa Totty are now applying for a retail license at this location, and are investing approximately \$215, 000 of personal funds into the business. The applicant will lease the premises from John & Debra Totty for \$500.00 per month.¹⁰ The TABC staff recommends conditional approval of this request, pending receipt of the following items:

⁸ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

⁹ The lease expires in 2019.

¹⁰ The initial term of the lease is for 5 years.

- a. TABC Agent Inspection
- b. Acknowledgement of TABC Rules & Regulations
- c. License Fee

**12. MUSIC CITY WINE AND SPIRITS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Edward H. Fryer III, Sole Proprietor

Current Owner: James Paul Little, d/b/a Riverstone Wine and Spirits

Before the Commission is a request for a transfer of ownership in the retail store located at 2282 Lebanon Pike, Nashville, Tennessee. The applicant intends to purchase the assets of seller for a purchase price of \$11,500, plus the total amount of credits due to seller from the wholesaler for return of inventory. Mr. Fryer will lease the premises from VRS Crossings LLC, for an initial term of 10 years and will pay approximately \$5,500 per month in rent.¹¹ The TABC staff recommends conditional approval of this request, pending receipt of the following:

- a. Copies of all executed documents (including Resale Agreement between E. Fryer, J. Little and S. Price, & the Bill of Sale)
- b. Purchaser must reconcile stated investment of \$5k with contract sales price
- c. TABC Agent Inspection
- d. Acknowledgment of TABC Rules & Regulations
- e. Certificate of Occupancy or letter stating its previous issuance
- f. License Fee
- g. ~~Disclaimer by Virginia Fryer of any interest in this license~~¹² -letter of no interest received

3. WINERIES – None

4. FARM WINERIES – None

5. WHOLESALERS –

A. NEW BUSINESS

**1. ATHENS DISTRIBUTING COMPANY OF MEMPHIS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Athens Distributing Company of Memphis
Address: 905 James Street, Memphis, Tennessee

Before the Commission is a request for a transfer of less than 5% of the total ownership interest. If approved, Don White will transfer part of his ownership interest to two trusts: The Donald J. White, Jr. 2015 Irrevocable Trust and The Jeremy H. White 2015 Irrevocable Trust. The TABC staff recommends approval of this request.

2. BOONE DOCKS DISTRIBUTION

¹¹ Rent will have increased to approximately \$7,800 per month by year ten of the lease.

¹² Virginia Fryer (wife to E. Fryer) is the sole member of Vinspiration Holdings, LLC, d/b/a 12th & Pine Beverage Company (Permit 3963) located at 315 12th Ave. South, Nashville, Tennessee.

NASHVILLE, TENNESSEE (DAVIDSON COUNTY)

Applicant: Boone Docks Distribution, LLC

Members(s): DET Distributing Company (George F. Dettwiller, 100% and Victoria A. Victory, 0%)

Current: Boone Docks Distribution, LLC (Larry Boone, 50%; Jeanne Boone, 50%)

Current Location: 830 Fesslers Pkwy, Suite 112, Nashville, Tennessee

Proposed Location: 301 Great Circle Road, Nashville, Tennessee

Before the Commission is a request for DET Distributing Company to acquire 100% of the stock/ownership interests in Boone Docks Distribution, LLC for good, valuable and adequate consideration paid to members of the LLC by applicant. The existing Boone Docks will continue to operate under the new ownership by DET and, will relocate to the DET's existing facility in the coming weeks. The TABC staff recommends approval of both requests.

6. **DISTILLERY - None**
7. **PRIVATE CLUBS - None**
8. **ALJ INITIAL ORDER TO BE REVIEWED BY COMMISSION-**

TABC v. Omari Booker

Docket No. 33.05-129785J

On April 16, 2015, Administrative Law Judge Rob Wilson, relying on a "totality of the circumstances" approach, issued an Initial Order ordering Mr. Booker's application for server permit to be approved. Mr. Booker was previously denied a server permit due to a prior felony drug conviction, but was determined to have "put his past behind him, demonstrated that he is honest, reliable, and trustworthy . . . maintained consistent employment, completed his college degree, and volunteered with multiple community education and outreach programs." Mr. Booker also provided multiple letters of recommendation from employers and community leaders, "all of which detail his positive attitude, professionalism, and commitment to improving his life and the lives of his families and others in the community." Pursuant to T.C.A. § 4-5-315, the I/O is to be reviewed by the TABC. The TABC staff does not oppose the ALJ's I/O and therefore recommend the ratification of it as the Final Order of the Commission.

9. **MISC – None**
10. **DATE OF NEXT MEETING – May 19, 2015**
11. **UPCOMING MEETINGS – Tuesday, May 19, 2015**
Tuesday, June 23, 2015